

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

KYLE STEVEN ERICKSON.

Defendant

| NO. CR19-191-RSL

**PRELIMINARY
ORDER OF
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Kyle Steven Erickson's interest in the following property:

- A Glock 9mm semi-automatic handgun, bearing serial number XGG790.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- On October 9, 2019, Defendant was charged by Indictment with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), Possession of Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), and Carrying a Firearm During and in Relation to a

1 Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A). Dkt. No. 1.
2 The Indictment included forfeiture allegations providing notice of the United
3 States' intent to forfeit any proceeds of, facilitating property for, and/or
4 property involved in the commission of such offenses – including, but not
5 limited to, the Subject Firearm – pursuant to 21 U.S.C. § 853(a), and 18 U.S.C.
6 § 924(d)(1) by way of 28 U.S.C. § 2461(c). *See id.* at 3–5.

7 • On February 13, 2020, Defendant entered a plea of guilty to Felon in
8 Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), Possession of
9 Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. §
10 841(a)(1) and (b)(1)(C), and Carrying a Firearm During and in Relation to a
11 Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Dkt.
12 No. 22;

13 • In his Plea Agreement, Defendant agreed to forfeit any proceeds of, facilitating
14 property for, and/or property used in such offenses. Dkt. No. 22, ¶¶ 7, 16, 17;
15 and,

16 • The above-identified firearm is forfeitable pursuant to 21 U.S.C. § 853 and 18
17 U.S.C. § 924(d)(1) by way of 28 U.S.C. § 2461(c), as facilitating property for,
18 and/or property used in, the offenses to which Defendant entered a guilty plea.

19
20 NOW, THEREFORE, THE COURT ORDERS:

21 1) Pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1) by way of 28 U.S.C.
22 § 2461(c) and his Plea Agreement, Defendant's interest in the above-identified property
23 is fully and finally forfeited, in its entirety, to the United States;

24 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
25 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,
26 and it will be included in the judgment;

1 3) The Department of Justice, the Bureau of Alcohol, Tobacco, Firearms, and
2 Explosives, and/or their authorized agents or representatives, shall maintain the above-
3 identified property in their custody and control until further order of this Court;

4 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
5 United States shall publish notice of this Preliminary Order and its intent to dispose of the
6 property as permitted by governing law. The notice shall be posted on an official
7 government website – currently www.forfeiture.gov – for at least thirty (30) days. For
8 any person known to have alleged an interest in the property, the United States shall, to
9 the extent possible, provide direct written notice to that person. The notice shall state that
10 any person, other than Defendant, who has or claims a legal interest in the property must
11 file a petition with the Court within sixty (60) days of the first day of publication of the
12 notice (which is thirty (30) days from the last day of publication), or within thirty (30)
13 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
14 interested persons that the petition:

- 15 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
16 interest in the property;
- 17 b. shall be signed by the petitioner under penalty of perjury; and,
- 18 c. shall set forth the nature and extent of the petitioner's right, title, or interest
19 in the property, as well as any facts supporting the petitioner's claim and
20 the specific relief sought.

21 5) If no third-party petition is filed within the allowable time period, the
22 United States shall have clear title to the property, and this Preliminary Order shall
23 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

24 6) If a third-party petition is filed, upon a showing that discovery is necessary
25 to resolve factual issues it presents, discovery may be conducted in accordance with the
26 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
27 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,

